

following this debate who does not think that is a good idea, a positive thing, that we would take the impact of the OPEC cartel and oil sheiks out of the American economy, minimize their impact?

We called that amendment up for a vote. One would think it would have been a unanimous vote, but it turned out to be a partisan vote. Not a single Republican Senator would support it. To reduce the dependence on foreign oil? That makes no sense.

We need to push for creativity when it comes to energy. We need to find renewable, sustainable sources of energy. What is the administration's answer to the energy crisis? Drill in the Arctic National Wildlife Refuge. An argument can be made there is not enough oil there to sustain us for any period of time. Over 20 years, the oil coming out of there is worth 6 months of America's energy supply. Over 20 years, it would produce 6 months' worth.

What happened last week in the Energy Committee? Up came a vote which said, incidentally, if there is going to be drilling in the Arctic National Wildlife Refuge, the oil better come down to America to help reduce our prices. That amendment was defeated. It was defeated on a largely partisan rollcall. There were many who said, no, the oil companies cannot be told what to do with the oil they take out of a wildlife refuge that has been protected for 50 years.

One wonders about the reach and impact of special interest groups. President Eisenhower's Arctic Wildlife Refuge, which we have valued and protected for 50 years, is going to be invaded and desecrated to drill for oil for America's energy, but this Congress would not say that oil would come back for heat and to fuel the cars of Americans. Where will it go? Probably to China.

Think about that for a second. One of our largest competitors in the world, energy hungry themselves, may end up with the very oil we are taking out of this wildlife refuge we have debated for years.

The point made about Hurricane Katrina is a good one. How can we leave without creating an independent, nonpartisan commission to figure out what went wrong? For 24/7, we saw those ghastly images of our fellow Americans struggling so that their children could survive this flood. We watched corpses bobbing in the flooded waters, seeing people desperate for shelter, water, and food. Much like 9/11, we think we ought to look into that to make sure we never repeat those mistakes again. There is resistance from the White House and from the majority.

Basically, the avian influenza is another call to arms. If this avian influenza, which has been described as inevitable by Dr. Gerberding of the Centers for Disease Control, strikes America, the people of this country have a right to turn to every single elected official

and ask, what did you do, knowing this was coming? What did you do to stockpile the antiviral agents that might save the lives of the children in my family? What did you do to start the vaccine production that might save the lives of hundreds of thousands of Americans? What did you do back in October of the year 2005 when you had that chance?

So the question is whether we will go home having addressed any of those issues: energy, Katrina or avian influenza. This bill before us is critically important, but after this bill is finished I hope we will move to those three items. I think they are of great national significance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, parliamentary inquiry: What is the pending business?

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3010, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Mr. SPECTER. Mr. President, I made an opening statement on Friday morning and I intend to yield in a moment or two to my distinguished colleague, the ranking member, Senator HARKIN. I urge all Senators to come forward with their amendments. So far staff has contacted every Senator's office to find out if there are amendments which the Senator intends to file. We have been made aware of approximately 15 amendments identified so far where there is an intention to file. We have had a fair number of other comments from staffers of other Senators who do not know what their Members intend to do.

We have a very complicated bill, in excess of \$145 billion, three of the most important Departments of the Federal Government: Education, Health and Human Services, and Labor. We are in the closing days of this session. After the passage of this bill, we are going to have to go to conference and resolve many difficult matters. So it is important that this bill be completed as early as possible.

We also have many Members who are involved in this bill who are engaged in the preparation of the confirmation hearings on Ms. Harriet Miers for the Supreme Court of the United States. That is weighing very heavily on my

mind, but this is an important bill which comes first. Senator HARKIN and I are determined, and Senator FRIST, the leader, as well as Senator REID, the Democratic leader, will back us up. Senator REID took the initiative to remind Senators about a statement which I initiated last week about going to the 15-minute plus 5, 20 minutes total, vote tally so we do not consume a large amount of time, which has become the practice of the Senate.

Speaking as the manager, and I know Senator HARKIN concurs with this—I would ask the Senator if that is correct?

Mr. HARKIN. Yes.

Mr. SPECTER. We are going to move to enforce the time limits. The managers intend to press to file a cloture petition tomorrow which will require that all amendments be filed by Wednesday at noon and that we take up only germane amendments.

We think these rules are the ones which should govern the consideration of this bill. If anybody has nongermane amendments, the floor is open this afternoon, and until cloture is invoked, the germane amendments will be open for consideration tomorrow.

I again urge our colleagues to come forward at this time with any amendments which they desire to offer.

The distinguished Senator from Iowa was not present to hear my lavish praise about him on Friday afternoon. He is giving me the waving-on signal. The choice is either to praise him again or relegate him to read the CONGRESSIONAL RECORD, so I choose to renew the praise.

He has been a steadfast colleague as we have moved the work of this important subcommittee without partisanship. The gavel has changed hands from time to time between Senator HARKIN and me. I know that while he has said some good things about my chairmanship, he prefers to be chairman. I do not know why, but he has maintained that position. In the public interest, when the chairmanship is changed, we use the expression "a seamless exchange of the gavel."

Now I do not hand him the gavel, but I hand him the floor seamlessly.

The ACTING PRESIDENT pro tempore. The distinguished, seamless, and steadfast Senator from Iowa is recognized. Mr. HARKIN. Mr. President, I thank my friend, the distinguished chairman of this vital and important subcommittee on appropriations. Senator SPECTER and I have worked together—now that I think back, it has been 17 years that we have worked together, either as chairman or ranking member on this subcommittee. The chairman is absolutely right. No matter who has the gavel, we work together. I couldn't ask for a better working relationship with anyone than I have with my friend and my chairman, Senator SPECTER of Pennsylvania. It is Senator SPECTER who has led the charge in the past to do the things that enable our country to move

ahead educationally and to be better prepared healthwise. It was Senator SPECTER who led the charge in the 1990s to get us up on the plateau, to double the funding for NIH. People said it could not be done.

We had fallen so low in terms of the number of peer-reviewed projects that were being funded that people were just giving up. We were not getting a pipeline of researchers. Maybe they had 1 chance in 10, maybe 1 chance in 20 of ever getting their research project funded, and this was after it went through the peer review and was deemed worthy of funding.

We had fallen to a terrible state, so Senator SPECTER and I worked together with our staffs to get a funding schedule that would double the funding for NIH. If I am not mistaken, I believe it was started under a Democratic President and finished under a Republican President. It was a bipartisan approach, but we got the job done. More and more people are looking at NIH now as again the premier institution it once was in our country and really the premier medical research institution anywhere in the world. It was Senator SPECTER who led that charge.

Many years ago, you will remember, there was a movie called "Outbreak." It had Dustin Hoffman in it. It was about 15 years ago, something like that. I happened to be chairman of the subcommittee at that time. I went down to Atlanta to visit the Centers for Disease Control. That was its name then. We changed the name to the Centers for Disease Control and Prevention, which is its rightful name now, in 1991 or 1992. I went down there to see these fancy things that were in the movie with Dustin Hoffman, these fancy laboratories and high-tech stuff. I wanted to see this. I went down to see this, and I found out that the movie producers had, indeed, visited the Centers for Disease Control to make this movie, but the facilities were so ramshackle, so rundown, so poor, they decided to build their own Hollywood set because no one would believe this really was the high-class, high-intensity, super-secure environment in which to investigate these kinds of infectious diseases. Indeed they were. They were working, actually, in buildings that had been constructed pre-World War II. In some cases, laboratories had been reconstructed from rest rooms that were, in those days, for colored men, colored women, White men, White women. They had done away with all that, and now they made them into laboratories.

Senator SPECTER and I both looked at that and said: We have to do something about this. And we did. We have now embarked on a multiyear program. We started several years ago, building facilities at the Centers for Disease Control and Prevention. They are now the best in the world. Not all of it is done, but many of the buildings have been built. As I said, we now have the kind of facilities that a great nation such as ours requires and deserves.

That is just my way of paying my respects to Senator SPECTER for his great leadership on this subcommittee in terms of health and of education in our country.

Having said that, I am pleased we have the bill on the floor. Last year, we never even got to the floor. As of last week, it looked as if we would not get to this one, so this is the last appropriations bill this year, and it deserves the full consideration of the Senate.

Second to Defense, this is the largest appropriations subcommittee. Health, Education, Labor it provides over \$600 billion in programs. I mentioned the National Institutes of Health; Centers for Disease Control and Prevention; libraries—a lot of other things. It is the bill that paves the way for medical breakthroughs, provides job training to dislocated workers, vocational education, and helps our most disadvantaged students through title I, Individuals with Disabilities Education, Pell grants. It was once said of our committee that the Defense Appropriations Subcommittee is the committee that defends America; the Labor, Health and Human Services, Education Appropriations Subcommittee defines America. I believe that is true. It defines who we are, what kind of people we are, and how we perceive the future of our country. So it is true, the Defense Appropriations Subcommittee defends America. I think this subcommittee has the legislation and the money that defines America.

I again thank Senator SPECTER, and I especially wish to thank his staff. It goes without saying, our staffs have worked together very closely across the aisle for all these years. I could not ask for better relationships and openness, transparency, congeniality, working together.

So we have the bill before us. Am I ecstatic over this bill? Not quite. I am not. But I will say this: Senator SPECTER and his staff and I and our staff have done the best with what I consider a bad hand that was dealt us. A lot of times when the budget comes through here, we have a debate on the budget, people vote on the budget, and it goes through as if it doesn't have much effect. The budget goes through, ho-hum, and that is the end of it. But we have to operate with that budget and within that budget, and that is why we have the bill we have. Once the budget was adopted, our subcommittee had no hope of restoring all the cuts in the President's budget, much less giving increases to vitally important health and education programs.

We did the best we could. Again, I compliment Senator SPECTER, but just take a look at the National Institutes of Health. Again thanks to the leadership of Senator SPECTER, we go up about \$1 billion. The President's budget only had it up \$100 million. In community health centers, we are basically funded at the level of last year, but the demand is greater. The Community Services Block Grant Program got \$636

million, the same as last year. That is less by \$14 million than what we had in the year 2000. So we have more poor people—more people demanding services everywhere from Head Start to LIHEAP to childcare services—yet we have basically level funded, at least in our bill, the Community Services Block Grant Program.

Some Senators may remember that when the Defense Appropriations Subcommittee bill was on the floor, I offered an amendment to increase the community services block grants to this year's level because the continuing resolution we are operating under right now cut the community services block grants back to the level at which they were in 1986: about \$340 million or \$350 million.

This is October 24. We are now 24 days into this quarter at which the funding for our community action agencies is down to less than half of what was in last year's bill. So here we are, trying to get at least last year's level, even though that is inadequate. It is less than what we had in the year 2000, and we know poverty has increased. There is more demand for Head Start services, LIHEAP, and others. But again, at least in our bill, we keep it level funded. The continuing resolution knocked it back, it said, to the levels of 1986.

I mentioned LIHEAP. We have \$2.2 billion in our bill. We should have more. The budget resolution wouldn't allow it, so we did the best we could. And with oil prices up—I checked in Iowa when I was there last week, and heating prices are double what they were last year. Natural gas prices are at least a minimum of 50 percent more than they were last year. Yet the amount of money we have for LIHEAP is the same as what it was last year—the Low-Income Home Energy Assistance Program, the same level as last year. I understand there will be an amendment offered to increase this. I assume it is going to take 60 votes, so I don't know how much hope we have of passing it. I hope it does pass because the demand is there. The need is there.

Pell grants are \$4,050, maximum. That is the same as last year. There is no increase whatsoever, yet we know tuition costs have gone up. Pell grant purchasing power now is about 40 percent of what it was just 15 years ago when we were working together on this—40 percent less purchasing power in a Pell grant, and Pell grants go to the lowest income families in America for their kids to go to college.

We have the Perkins Program for Vocational Education. At a time when we need to be training and retraining workers in vocations such as electronics and computers and software and when they need retraining for the new kinds of jobs of the future, we have a program called the Perkins Program for Vocational Education. We funded it a little bit less than last year's level, and we know the need is there for more vocational education.

Title I funding goes to help local school districts that have a high proportion of very low-income kids. Last year, it was \$12.7 billion. This year, it is \$12.8 billion. When you take into account inflation, it is basically a little bit less than what we had last year in terms of purchasing power. We estimate that 75 percent of the school districts that get title I funding in America will actually get less next year than they got last year. Yet we know from the data there are more poor people out there, there are more low-income families and schools that teach these low-income kids, yet we are not funding the title I program in the way it has been funded in the past. So again we are caught up in a budget problem, a budget situation where in this budget this Senate voted for we have new tax breaks of about \$70 billion more in tax breaks. There is \$35 billion more in cuts and \$35 billion more in deficit spending under this budget. So \$70 billion in tax breaks, most of which go to the most affluent Americans, yet we have no money for title I or Pell grants or Perkins loans.

We have no more money for the Low-Income Home Energy Assistance Program, again for low-income people and the elderly. The funding for community health centers that are picking up the gap between those who have health insurance and those who do not is up \$105 million, but out of \$1.8 billion, that is basically level funding, maybe even a little less when you take inflation into account.

The budget we passed this year is a budget that measures our Nation just the opposite of what Franklin Roosevelt said in 1936.

President Roosevelt said the progress of America should be measured not in whether we can add more to the abundance of those who already have plenty but, rather, whether we can even meet the needs of those who have too little. This budget seems to be saying to us the measure of progress in America is how much more we can give to those who already have a lot and take from those who already have very little. That is the way we measure progress in America today under this budget. So that is why we have an appropriations bill that basically doesn't meet the needs for education in Pell grants, Perkins loans, or title I. It doesn't meet the needs we have for heating this winter, for community health centers, for community services block grants. I could go on and on.

So as I said, Senator SPECTER and I and our staffs did the best job we could, but our hands were tied by the budget. If there are amendments to waive the Budget Act and increase some of these, with no disrespect to my colleague and my chairman, I will find myself on the side of those who want to waive the Budget Act and increase funding for low-income heating and energy assistance, to waive the Budget Act for Pell grants, to waive the Budget Act to put more money in for title I funding. I

will be on that side because, I am sorry, I do not agree with this budget. I do not agree with the budget that gives \$70 billion to the wealthy and gives less to our poorest people. We can't afford title I funding for schools. We can't afford to put money into low-income heating and energy assistance for the poor and elderly. We don't have the money for it. We do have the money for it.

It is just right now that money is going out in more and more tax breaks for the wealthy. We have two tax cuts that are going into effect next year. They were passed in the 2001 tax bill. They start next year. They are not in effect now, but they start next year, called PEP and Pease, P-E-P and P-E-A-S-E, named after Don Pease of Ohio, former Congressman. And those two, according to the Congressional Budget Office, those two tax cuts alone will cost the Treasury \$35 billion in the next 5 years, and in 10 years, \$146 billion—lost revenue.

Well, who gets the money? Do low-income, hard-working, struggling families get PEP and Pease because they are going to get the tax break so they can pay the mortgage on the house, pay tuition for their kids to go to school? Over 50 percent—again, CBO, don't take my word for it—of the benefits of this tax cut that starts this next year, this PEP and Pease, over 50 percent goes to people making over \$1 million a year; 97 percent of all of these tax cuts in PEP and Pease go to people making more than \$100,000 a year. But over 50 percent—I think it is 54 percent—goes to people making over \$1 million a year.

Now, we are going to do that, but we can't increase the Pell grants. We can't increase the Perkins loans for vocational education. We can't increase title I for the poorest school districts. So that is why I say if there are amendments offered to waive the Budget Act, I will find myself on that side, with no disrespect to my chairman. We did the best we could under the budget, but I repeat, I don't agree with this budget. I don't agree with this budget at all. Therefore, if we have to waive the Budget Act to fund these programs, that is the side I am going to be on.

Having said that, there are many things Senator SPECTER took the lead on that I want to thank him for: restoring funding for the elimination of child labor, system change grants at CMS that help States move people from institutions back to their communities, preventive health block grants, even community services block grants—even though we are level funding in this bill, the President's budget had zero, zeroed it out. He zeroed the preventive health block grants, system change grants to move people from institutions to living in their communities, to abide by the Supreme Court's ruling on that. The President zeroed it out. At least Senator SPECTER put that back in.

So given the bad hand we were dealt, Senator SPECTER did a great job. I

thank him for his fairness, his cooperation, for his work on this bill.

I concur in his request earlier that people come over with amendments. I understand there will be a cloture motion filed tomorrow. That is something I can support to finish this bill this week and hopefully get it to conference. I just wish that we did not have the budget under which we are operating.

I again ask Senators who have amendments to come over and offer those amendments. We are open for business. We would like to finish this bill by Thursday night. I am sure most Senators would. There is no way to do that unless people come over and offer amendments.

So with that, Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. AL-EXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, Senator HARKIN just called my attention to the fact that a quorum call has been underway for a protracted period of time. Senator HARKIN and I are very much opposed to quorum calls during our watch.

I ask Senator HARKIN if it is too early to call for a third reading or final passage.

Mr. HARKIN. Mr. President, if the distinguished chairman will yield to allow me to respond to that, I say to my friend from Pennsylvania that I think it may be a bit early. I think there are Senators still coming back from their travels in their home States. We want to give them time to get back here.

Mr. SPECTER. Would 4:15 be an appropriate time?

Mr. HARKIN. Someone told me there was a vote on a couple of judges at 5:30. I think after that we have to take a look and see how many amendments there are, if I am not mistaken.

I thought the chairman was going to offer a cloture motion tomorrow. If we have third reading, the chairman can't file a cloture motion.

Mr. SPECTER. If we have third reading, we will not need a cloture motion.

I am persuaded by the eloquence of the Senator's argument.

Mr. HARKIN. There may be a point in time when I would agree with the chairman on this. It is Monday, and I know people are working diligently in their States, and they are headed back. There may be a couple of amendments that Members want to offer. I think perhaps 4:15 might be a little early for third reading.

But if the chairman will yield further, I believe the chairman is right. It is Monday. We are in business. Senator FRIST, the majority leader, said that

we are going to be doing business today. If Members have amendments, they should come over and offer them. I agree with the chairman. It is ridiculous to sit here in quorum calls when we have an important bill like this and Members have amendments.

Mr. SPECTER. Mr. President, I thank the Senator from Iowa for his lenient response. I thought it worth noting that a quorum call had been on for a while. Even the generosity of Senator HARKIN has its limits on how much of a quorum call he will sustain.

AMENDMENT NO. 2197

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2197.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to reduce administrative costs in the Centers for Medicaid and Medicare Services)

On page 154, line 10, strike “\$3,203,418,000” and insert “\$3,188,418,000” in lieu thereof.

Mr. SPECTER. Mr. President, this is an amendment which reduces the Federal administrative costs for the Centers for Medicare and Medicaid Services by \$15 million. It is a very small reduction which will still leave in that account some \$640 million, an increase of \$57,570,000 over last year.

The reason for this amendment, which is more in the nature of a technical amendment, is it brings this bill in conformity with the budget resolution. We anticipate savings of \$15 million from a certain item in the budget. We have found that the savings noted by Finance for fiscal year 2006 amounts to only \$90 million. We are \$15 million short. With the astute reading of the staff, this was noted, and we would be subject to a point of order if we were out of kilter. So we are offering this amendment.

I believe this would be the basis for at least one of the 5:30 votes this afternoon. The majority leader talked about other judicial nominees being on the calendar. That is up to him as to whether he will put those on the agenda for votes.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, that is the only amendment which this manager has to offer at this time. It is 3:22. We have 2 hours 8 minutes before the 5:30 vote.

There are frequent occurrences on the floor of this Senate where 8 minutes is valuable, and sometimes 2 minutes. Somebody asked unanimous con-

sent on Thursday night for an additional minute, but it was objected to. Objection was withdrawn with 5 minutes to argue about whether we would have a minute. We have a lot of time. We could get some important work done if Senators who are now returning from their home States will come to the floor and offer amendments.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that at 5:30 today, the Senate proceed to executive session and immediately proceed to consecutive votes on the confirmation of Calendar No. 385, Brian Sandoval to be United States District Judge for Nevada, to be followed immediately by a vote on Calendar No. 387, Harry Mattice, Jr., to be United States District Judge for the Eastern District of Tennessee; provided further that there be 2 minutes equally divided for debate prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

Again, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak as in morning business.

As I told the chairman, if any Members come and want to proceed with amendments, I will be glad to yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFICIT

Mr. THOMAS. Mr. President, there is a subject that is extremely important. It is important to all. Frankly, having been at home this weekend, as most Members have, I heard more about it probably than any other issue. That is spending, of course; the amount of spending we are taking on, and the Federal Government challenges to do something about the increase in the deficit we are bringing upon ourselves. The challenges make it very difficult.

As Fred Thompson said once: It is like going to heaven; everyone wants to go, but nobody wants to make the

changes necessary to get there. That is the way it is with the budget. It is an obligation to do more to control spending and to control the size of the Federal Government. We have that obligation.

We have had some difficult times in the last couple of years which have brought about some necessary spending. We had September 11, the war on terrorism, the gulf now, and other emergencies, all of which require spending. I understand that.

However, we have to treat this as a family or business would when an extraordinary thing happens: We take care of it, but, nevertheless, the costs for the family and business continue. Then we must find a way at some point to offset the costs. That is where we are now.

Things have not all been bad over the past year. We have decreased the deficit by \$100 billion. We never hear much discussion in the media about that. The fact is, we have made some progress. We have done some other good things. We passed an energy bill. We passed a highway bill. Through the tax reductions over the years, we have increased the activity in the economy, increased jobs and pay. There are good things.

The fact is, we still have special costs and funding we have to take care of. As I mentioned, as in business, we have costs here, as well. We are going to have a reconciliation bill, hopefully, next week. We will look at the budget we are in now to ensure—and this is our last appropriations bill today in the Senate—we live within the budget in those appropriations. I support the idea that we will seek to reduce it an additional amount, whether it is the \$35 billion in the bill the Senate has talked about or whether it is the \$50 billion talked about in the House. That is what we necessarily need to be doing and should be doing.

Now, those are short-term issues, short-term changes for this year or the next 3 or 4 years. We should give more attention to the long-term situation. In most things we do here, particularly in spending, particularly regarding the deficit, we ought to think of the long term. We ought to have 20/20 vision and ask, Where do we want to be in 15 or 20 years? What do we want to hand off to the next generation as a vision of where we want to be and where we would like to be, where we think we should be with our families, with our communities, with our Nation, and make the decisions daily, as we have to make them, predicated on accomplishing those visions we have decided we want.

The Washington Times said since the 1950s, around 18 to 20 percent of the gross national product has been the deficit. Deficits are not unusual. It is debt for most everything—businesses and families and so on. If we continue to go this route over the next 50 years, we will be talking more about 30 or 40 percent deficit as a percentage of gross

national product. Deficits and spending go up because gross national product goes up, so as a percentage they go up as well.

However, I don't think we want to find ourselves moving toward larger and larger government with more and more activities without paying for them and have this deficit continue. In order to do that, we will have to look at some reforms. We will have to look at changes that need to occur, looking broader than just the reconciliation bill, which is very important. We need to look beyond that. We need to look at where we are going in the future and make some real changes.

One change will be in the size and scope of the Federal Government and the activities we are involved with in the Federal Government. We have created a culture where if there is anything needed anywhere, from the community on to the Federal Government, we get the Federal Government to pay for it, and we will start a new program. That has become a culture and a custom. Once that program is built in, it becomes political. As programs are started, they get a constituency and they continue. Those are areas we need to look at.

We will have to look at Social Security, for example. That is where most of the money is spent. When we spend \$2.5 trillion in a year, only about \$800 million is discretionary spending. The rest is Social Security, Medicare, and Medicaid. We need to look at this. Everyone is committed to a well-funded, secure Social Security Program over the years. There are differences of views as to how to get there. We need to look out to the future so the young people here can look forward to Social Security in another 50 or 60 years.

Clearly, we want health care available, but we have to do it in different ways. We need changes. I come from a rural State. The way health care is delivered in rural Wyoming is different from in Washington, DC. We need to get in a position where people have access to care. Maybe we ought to be doing some things where we do not need health care as much. We need long-term changes to get that taken care of. We need to restrain growth in the Federal Government.

I have always advocated policies for reducing the size of government. It is apparent that the government is too big and too broad in its scope. Our phones practically ring off the hook with people wanting more money for this, more money for that. I understand that. However, we have to decide what is appropriate for the Federal Government to pay. Many of the programs should be invested in but at the local or State level.

It seems over time we have created programs for most everyone. There are approximately 1,200 funded Federal programs. We need to look at these for the long term. We have to look at each program and see, in fact, if it is still as needed as when it was put into place,

to see if it is as efficient, evaluate it on its merit to decide if the taxpayers are getting their money's worth, then take a broad look, a long-term future look at eliminating programs, reducing the size of government, maintaining programs that are essential, and making them more efficient long term.

I have a bill called Government Reorganization and Program Performance Improvement Act that creates mechanisms to do that. We have an opportunity most any time to create a new program and to fund it. We have a process for that. We do not have a process for evaluating a program that started 10 years ago. Is that reason still there? Have we accomplished the goal? Should it be changed?

We talk about that, I suppose, from time to time, but we do not have a process for doing that. That is partly what we would do.

The bill would create a sunset commission and an individual results commission. The sunset commission would hold the Federal Government accountable for performance with Presidential proposals. The commission could propose to the President whether to retain the program—after it has been there for 10 years; taking a look at it—or to restructure the program, or to end the program.

This would be acted on by assessments, a seven-member, bipartisan commission, appointed by the President, so we would have a process—a process, which we do not have now—to evaluate programs to see if they are, as I said, accomplishing the things they were set up to accomplish or to see if they should be done differently.

The other half of it is an opportunity to evaluate performance, again, having a commission set up to take a look at programs to see if they are operating as efficiently as they might be operating. I think it is fair to say sometimes in the bureaucracy we get things built into programs where they are resistant to change. It is a little different generally than the private sector where the private sector has to change from time to time because of profits or because of a lack of profits, or whatever; where Government programs tend to go on forever pretty much as they are. And I understand that.

So it seems to me there needs to be a way to do some of those kinds of evaluations and make sure that, No. 1, the size of Government can be controlled, and No. 2, we would maintain it as efficiently as can be done, trying to do away with wastefulness and unnecessary and duplicative activities that take place—whether it is within the Federal Government or within State governments or local governments.

We are looking at a way to ensure good government. Everybody wants government. Everybody wants services. But we also want good government; we want efficient government; we want effective government. And we want it to be done as economically and in the

least costly way it can be done and still get that accomplished.

That is not an easy project. I understand that. But it seems to me—as we look at excessive spending; as we look at trying to do something about the budget that is pretty short term, looking at these next couple of years—we ought to be looking at where we are going to be in making some decisions that will help us keep within the budget we would like to have over a longer period of time. Doing that, we would have to make more difficult decisions, perhaps, but they would be more long-term decisions. Now is a good time to do that. What better time would there be to take a look at that than now, when we are as concerned as we are about spending—which we ought to be?

I think this is a good government initiative which we ought to look at. It certainly urges us to bring these bills up and to take a look at them so that, in addition to next year's reductions in spending, we take a look at the overall problem we face by increasing spending because we have found, I think, that is an easy thing to do. I think under these current circumstances, it is a thing that happens pretty much constantly, unless we are doing something about that.

I hope, No. 1, we recognize the importance of controlling spending, we recognize the importance of controlling the size and the role of the Federal Government. I think there should be—there should be—some definitions. We ought to have in our own minds some criteria as to what is the role of the Federal Government, what is the role of the other governments, what is the role of the private sector, so we do not continue to be in this sort of circumstance where everything that needs to be done becomes a role of the Federal Government. And then we wonder why taxes go up; we wonder why spending goes up. It is pretty easy to explain that if you take a look at the size of the Government.

I guess what I am saying is, I hope we can take on the responsibility, as we go about our daily chores, to have some vision for the future, to evaluate with respect to where we are, but also trying to get a notion of where we want to be—how we see it for our families; how we see it for jobs; how we see it for education; how we see it for freedom of choice. That is part of the criteria for this country.

We get in a political situation, which we are kind of in now. All we do is criticize this and that. The real reason for elections is to talk about the issues and to decide where we need to be, to talk about the kinds of issues and decisions that need to be made to get us where we want to be. I think we have gotten so involved with the media picking up on every little controversial issue, and talking about that, that people have forgotten what elections are about. Elections are about direction. Decisions here are about direction. Decisions here are about where we are

going to be, and where we need to be, and where we want to be over time—for our families, for our communities, for our Nation.

We have a great opportunity to do that. I urge we give some consideration to it in every chance we have. And particularly now, as concerned as we are about spending—and properly so—we should be sure we take a look at where we want to be, how we can get there, and what changes have to be made that are more than just for next year, so we can move forward in that direction.

Mr. President, I thank you for the opportunity to speak. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

#### RECONSTRUCTION IN THE GULF STATES

Mr. DORGAN. Mr. President, my colleague, Senator LANDRIEU from Louisiana, will be on the floor shortly. We want to talk about something that has occurred in the last week. A week ago today, I chaired a hearing of the Policy Committee. The hearing was on the subject of the reconstruction in the Gulf States in the wake of Hurricanes Katrina and Rita. We have held many previous hearings on reconstruction in Iraq. As you know, this Congress has literally spent tens of billions of dollars on reconstruction projects in Iraq, and the waste, fraud, and abuse there is mind-boggling. There is massive money going out the door to contractors, in many cases with large no-bid contracts, and the taxpayers are getting bilked. I will not go into the lengthy stories about it now.

We decided to hold a hearing with respect to contracting in the gulf because this Congress has already approved \$60 billion for reconstruction, and we have heard tales and stories that are similar to those we hear with respect to reconstruction in Iraq.

At last Monday's hearing, we heard from a local New Orleans company. The owner of the company and his job foreman originally were hired to provide 75 qualified electricians to work on a project they had begun at the Belle Chase Naval Air Station in Louisiana. The project they were hired for was with Kellogg, Brown & Root, a subsidiary of Halliburton. This company was hired to provide 75 qualified electricians.

Very soon after they started, these qualified Louisiana electricians, many of whom were victimized by the hurricanes and who very much appreciated these jobs, were replaced by others. They were replaced by workers who were not of the same training in electrical skills. In many cases, Bob Knight, the general manager of the

New Orleans company that suffered this fate, described the replacement workers as follows:

Almost all of their workers were from out of State, and most didn't speak English. Few seemed to me to be qualified electricians. According to the Halliburton subcontractor, they were being paid [a fraction of the] prevailing hourly wage, with no benefits. At that time they were living in small tents on the base.

Here is a photograph of the circumstances of how they were living. This is, of course, a little rough shed with 2 by 4s to frame up some beds. I am guessing most of these are undocumented workers brought in to take the jobs that had belonged to the folks in Louisiana who desperately need these jobs. But because the President said there is no requirement to pay what Davis-Bacon wages, no requirement to pay the prevailing wage in this region, the result is unscrupulous contractors who bring in workers who will work for dirt cheap wages with no benefits and many hours and put them up in circumstances such as this.

And, oh, by the way, some of them were told they could go to work on a crew such as this and get a fraction of what they would have to pay others who are skilled, and they can get free meals at the Red Cross. Unbelievable, isn't it? Here is what is happening to jobs that are supposed to belong to the folks in Louisiana and presumably also Mississippi. People who got hit hard by the hurricane, who lost everything, in many cases, expected perhaps to get an opportunity to get back on their feet with a good job that pays all right as skilled electricians. They put together 75 of them and are told by the contractor: This job is going to last; it is going to be an opportunity for you. And just like that, somebody else is brought in because the President said they do not have to pay prevailing wages.

Guess what. Here is the circumstance, here are the people with the jobs. Most do not speak English. Most were brought, many of them undocumented.

Last Thursday or Friday, following the hearing that I held, there was a raid at this military installation by what is normally called the INS. It is now I guess the ICE, as it has been subsumed into this behemoth organization called Homeland Security.

At any rate, the immigration folks raided, and we are told by people on the ground that they found somewhere around 150 undocumented workers. The immigration folks now say they found 10 that they know of, but they play a little game with us because the more questions we ask, the less information we get from them.

It is pretty clear to me, based on eyewitness accounts on the ground, that they went in after the hearing we did and found undocumented workers on that military installation who had taken the jobs, we believe, from the folks in Louisiana who had been vic-

timized by these hurricanes, the jobs they were working at.

Here is the Washington Post. This was last week after the hearing:

Among the electricians who lost their jobs was Sam Smith, whose house in the Ninth Ward was destroyed after Katrina slammed into the Louisiana coast. Smith, 55, returned to the city because of the promise of \$22-an-hour wages, and guaranteed work for at least a year at the naval base.

By the way, he was a skilled electrician with all the certifications.

He was quickly disappointed, however, and lost his job within three weeks. "You would think that the federal government should be making sure that people who are trying to restart their lives and are trying to put their city back together again are out there working," Smith said. "But that's not the case."

The New York Times:

The acrid smell inside trailer No. 2 is tough to take for any length of time. The linoleum floor is filthy and bare, aside from a few soiled blankets hammed in the corners. Dishes caked with leftover food are piled high in the sink, attracting flies. Two portable fans are the only things stirring the air. But six men are living here. They sleep on that floor. They swat away those flies and dodge the roaches at night. They traveled all the way from Guatemala.

They are promised good pay, three meals a day and place to stay, and some contractors make good on this. But the Mississippi Immigrants Rights Alliance, an advocacy group, says many do not.

So it is, without the prospect of paying prevailing wages, the jobs are going to these kinds of folks.

They get \$8 an hour and labor 11 hours a day, six days a week. Subcontractors pulled them together for Belfor USA, an American subsidiary of a multibillion-dollar international company specializing in restoration after disasters. Before New Orleans, they had separately held construction, farm or factory jobs from Texas to North Carolina, they said.

The point is, there are other stories about workers, workers from elsewhere willing to take substandard wages to help the reconstruction of Louisiana and Mississippi.

We passed \$60 billion out of this Chamber in reconstruction money and, guess what. What we now understand is reconstruction is going to others, not the folks from Louisiana, not the people who have a skilled certification as an electrician who lost their homes and who need the job. No, this is about companies that decide to bring in these folks and put them in these conditions—squalid conditions—and pay them a fraction of what should be paid for those jobs.

By the way, the foreman on the job who testified Monday—and my colleague from Louisiana was at that hearing—the foreman said these folks were not qualified. They were just not qualified. By the way, they were putting up 900 tents in metal frames in which our troops will live. And we have electricians not qualified wiring those tents for electricity? What on earth is going on?

It is the same old thing. They are paying a fraction of what they should pay and getting rid of the Louisiana



workers so they can bring in these workers from Guatemala and elsewhere. You saw the stories: Undocumented workers, INS or ICE, they call it, the immigration folks, make a raid on the base.

My colleague from Louisiana will expand on that further, I am sure. They make a raid on the base, and we are told by people who were there that they found many—we heard 150 people. Now they will say there are only 10. At this point, they do not know, they cannot know, they will not tell us. It is the same old tap dance by a big Federal bureaucracy that does not want to get caught.

They ought to do their job, come clean, and tell us what they found on that base. I think I know what they found. I think what they found were contractors bringing in undocumented workers, paying them pennies on the dollar, taking jobs away from the folks in Louisiana. That is what I think they found.

I wonder if there is any Member of the Senate, just one, who wants to stand up and say: Yes, that is what we meant, we meant to shove \$60 billion out the door of this Chamber and hope that some contractor would bring in some undocumented workers—and fire some Louisiana folks—to do the work in Louisiana. If there is one Senator willing to stand up and say that, they are not thinking very much. There is not one person in this Chamber who will agree that is what they meant, not in their worst moment.

I take no pleasure in pointing this out. In my judgment, this is a corruption of the process. We know what needs to be done. We know how to do it. There is a right way and a wrong way to do things, and what is happening is we are seeing the wrong way implemented in the reconstruction down in the gulf coast.

My colleague from the State of Louisiana participated in those hearings. I know she has been in touch with the contractors and knows what is happening with respect to that Naval air station as well, but I thank her for the work she has done. I can only imagine if it were my State or some other State of a Senator in this Chamber facing this, we would demand that those for whom those jobs were intended would have those jobs, not that they be fired so we could bring in undocumented workers and pay them pennies on the dollar. That is unbelievable incompetence, and we need to see it stopped right now.

So let me thank my colleague from Louisiana.

Ms. LANDRIEU. Will the Senator yield?

Mr. DORGAN. Of course. I would be happy to yield.

Ms. LANDRIEU. I ask the Senator if he has received the latest numbers from the Department of Labor about the number of Americans who have actually lost their jobs because of Katrina and Rita. We know it was up-

wards of 450,000 people who have lost their jobs because of the hurricane. Does the Senator know that his remarks are even more compelling based on the numbers of people who must be looking for work, have some skills to offer, and yet under the system the Senator has described they are finding it difficult to work in their own city or parish with their own Federal Government contracts? Did the Senator know that?

Mr. DORGAN. I was not aware of the number. I know this is devastating, the most significant natural disaster with the greatest consequence in terms of human misery, loss of jobs, loss of homes. It is unbelievable.

I realize that a lot of undocumented workers are just decent people who are trying to make a living. I don't mean to disparage them. My intention is to say, however, there are rules, and there is a right way and a wrong way to do things. We did not spend \$60 billion out of this Chamber to give jobs to undocumented workers. We spent that amount of money to help the folks from Louisiana get back on their feet with good jobs for reconstruction, and the same for the folks from Mississippi.

I intend to work with the Senator from Louisiana and others to put a stop to what is going on, to redirect that money. We want reconstruction to move and move quickly, but we want those jobs to go to the victims, those folks who have suffered through all of this as well. We want those workers to be paid good wages. Davis-Bacon ought to be restored. The President ought to stand up today and say: I made a mistake by repealing Davis-Bacon. This Government has a responsibility to pay prevailing wages so we have good wages that pay well and decent jobs for those folks.

I again thank the Senator from Louisiana. I know she wants to make some comments about this as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from North Dakota for his great advocacy on behalf of American workers, the fair trade issues, and all of the things we have been debating in this Chamber now for the last couple of years on this subject.

People might ask, Why is the Senator from North Dakota speaking so enthusiastically or fervently on behalf of the citizens of Louisiana? He does not represent the State.

As a Senator, we all represent all of the people of the Nation, and the Senator from North Dakota is this Chamber's leading expert on contracts and contract abuse, not only at home but abroad in Iraq. He has been to this floor more times than I can count and has my great respect and the respect of many in this body for his work in trying to ferret out the great abuse in contracts, whether overseas or at home, so that American tax dollars can be spent well and wisely. He is never

ceasing in his advocacy, and I thank him for continuing by calling a hearing not on contractor abuse in Iraq, on which he has conducted many, but contractor abuse and the abuse of Louisiana workers relative to the Katrina/Rita fiasco. So I wish to thank him and add just a few words to what he said and to the information he has laid out and the testimony that has been given because I did attend, along with Senator HARRY REID, Senator CARL LEVIN, and a few other Senators, a hearing earlier last week on this subject that shed some unbelievable light on this situation and hopefully something we can correct.

I begin by saying that the people of Louisiana, Mississippi, Alabama, and Texas, as I have said so many times on the floor, have really been through an unbelievable devastation of a natural disaster that has no parallel, has no peer. It was not just the two hurricanes that hit within 10 days of each other—the east side of the State first, the west side of the State second, parts of Texas in Rita's path as well—but the subsequent breaking of not 1 levee, not 2, but 17 levee breaks in the metropolitan area, an urban center, a highly dense center, a large American city, a vibrant and vital region of the Nation, as I have said many times, the Nation's only energy coast.

When those levees broke after the hurricane winds died down, it left a region 10 to 12 feet underwater; tens of thousands of homes, large and small, rich and poor, businesses underwater, businesses that have been making profits for 70, 100 years. We are an old city in an old place. We are proud of the longstanding businesses we have.

When the hurricanes left, the levees broke, and finally, when the flood waters went down, we looked up, and we have 400,000 people who have lost their jobs. These are people who are hard-working Americans, taxpaying citizens. Many of them have never asked for any direct help from the Federal Government other than what everyone gets from their Government: good police, good fire protection, hopefully their streets paved, the potholes are kept to a minimum, schools for their children to go to, basic Government services that are required. Most of these people have not asked for any particular Government help, and yet they find themselves out of work, in a position to start building their city only to find that the Federal system of awarding contracts, because of certain rules, certain actions this administration has taken, and a lack of oversight, has allowed companies to come in from out of State and hire workers who are undocumented while literally pushing aside Louisiana citizens who have the skills to rebuild and the desperate need, the obvious need, for the job itself.

In the case Senator BYRON DORGAN has brought to our attention, as the hearing went on last week, about 75 electricians from the area that was affected—many of those electricians had

lost their homes. Their homes had been flooded. Some of them had run businesses on the side that they had lost. Their families had been placed into some safe place somewhere in the region. These men, most of the men—some of them could have been female electricians—came back at the request of a former employer who said, Would you all come back and help us build the barracks, the Navy base, the Belle Chasse base, in their own backyards?

These are residents who could look across the highway, who have worked at Belle Chasse before, who put up the electrical work at Belle Chasse, who were hired by a contractor and brought to work. After a few days, another contractor comes into the base, as the story is told, and basically hands these Louisiana workers a pink slip and says, If you do not mind, could you all please leave the base, and then ushers in 10, 20, 30, 40, 100—who knows what the investigation will show—workers not from Louisiana—and some of the workers are not even eligible to work in the United States of America—to work on an American military base.

Last week, I had the distinct honor of sitting in my Senate office and having two or three electricians, men who are obviously used to a hard day's work—their hands looked pretty tough—with shoulders stooping and almost on the verge of tears looking at me as their Senator saying: Senator, explain this to me. My parish has just been ruined by a hurricane. I have lost my house. I have worked my whole life as an electrician, and on a military base in the United States of America I am asked to leave so that an undocumented worker can take my job? I do not have an answer for them, but we need to find one because nobody in America will believe this is happening. It should not be happening.

I will tell you why it happens—because when nobody is watching the store and there is money being thrown out of this Chamber, \$62 billion, people grab for it. The people of Louisiana have been accused of looting. I think maybe the camera needs to focus somewhere else. All we have done as a delegation is asked for help for our ports, our hospitals. This is a city that has lost 75 percent of its revenue. The parish of Plaquemine and the parish of St. Bernard are virtually nonexistent. Every structure—and 100,000 people—has basically been destroyed, and it is uninhabitable. We still have our refineries shut down, our pipelines exposed, and all we get is excuse after excuse.

Our own workers show up and ask for a decent wage. Their wage was \$22 an hour. If any Senator on this floor thinks that paying a man or a woman \$22 an hour, with some minimum benefits, to work 12 hours a day because the contract said if they want to work, they have to show up and work 12 hours a day, 7 days a week until further notice—so do not tell me these people did not want to work. They had to work without a day off, week after

week, for \$22 an hour. We are told that it is too much, we cannot afford to hire them, they can go on back and twiddle their thumbs while we have the undocumented workers rebuild this military base. It should not be happening now. It should not be happening in the future.

Today, I sent a letter to the Secretary of Homeland Security and the head of INS and asked them to please enforce the laws that are on the books, please enforce the laws so that the 478,000 people who are unemployed throughout the gulf coast, from Mississippi, Alabama, Louisiana, and Texas, can have the first chance at a good job.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, October 18, 2005.

Hon. MICHAEL CHERTOFF,  
Secretary, Department of Homeland Security,  
Washington, DC.

DEAR MR. SECRETARY: I have personally received compelling evidence that U.S. immigration laws are being flagrantly disregarded in the contracting and subcontracting for Hurricane Katrina relief. The use of undocumented, illegal workers in the construction industry is a lamentable reality. However, if press accounts are true, the issue is quickly becoming chronic along the Gulf Coast.

Under ordinary circumstances, the use of such workers would require investigation, but perhaps no more so than other violations of immigration law. Regrettably, these are not ordinary circumstances. The use of undocumented workers in federal contracts for hurricane relief and reconstruction comes at the direct expense of hurricane victims. While my state experiences unemployment rates not seen since the Great Depression, it is unconscionable that illegal workers would be brought into Louisiana aggravating our employment crisis and depressing earnings for our workers.

While there is a specific instance at the Belle Chasse Naval Air Station that I believe warrants particular scrutiny, a variety of press accounts lead me to believe the problem is widespread. I am equally confident that immediate and rigorous prosecution of these illegal activities would quickly stem this tide.

I respectfully request that you direct Assistant Secretary Clark of the Bureau of Immigration and Customs Enforcement to dispatch a team of additional immigration enforcement and investigations officers to the Gulf Coast region. Furthermore, I request that the Department institute a zero tolerance policy for the use of illegal workers in government contracts for reconstruction. Finally, I ask that this be done expeditiously, as time is of the essence.

Mr. Secretary, I appreciate your attention to this matter. I look forward to your response and your plan to uphold U.S. immigration law at this vital juncture.

With warmest regards, I am

Sincerely,

MARY L. LANDRIEU,  
United States Senator.

Ms. LANDRIEU. I know people are going to debate about Davis-Bacon, but I just want to tell the American people this point: When the President issued the order and basically said, right after Katrina, waive all the labor laws that

allow people to be paid a fair wage, he said he was doing that to save money. How does one save money on a no-bid contract? If a contract is not being put out for bid, how does one save any money? All that happens is wages of the people who need them the most at a time when they have lost everything are driven down. They are not asking for charity. They are not asking for a handout. They stood up to get a job to work 12 hours a day, 7 days a week, and still were basically under the administrative rules of waiving Davis-Bacon, lack of oversight and lack of focus, and have basically been asked to leave the military base.

So I hope that in the few weeks ahead, we can get these electricians back on the job, back to their homes, back to their neighborhoods to rebuild, and build some support in this Chamber and around America for paying people a decent wage. I do not think \$22 is too much. I do not expect people to rebuild Louisiana at a minimum wage or \$8 or \$9 an hour without benefits.

People have to make a living. That amounts to about \$45,000 a year. Is that too much to pay someone working 12 hours a day, 7 days a week, doing hard and sometimes dangerous work? I don't think so. But evidently somebody in Washington thinks that is too much because, instead of holding wages steady—not asking for union wages, but asking for an average wage, between union and nonunion, which seems fair to me—we are undercutting our workers. The Government should not mandate a union wage to be paid, but neither should we undercut our workers. So the prevailing wage is what we have come up with, to say don't pay union, don't pay nonunion, pay something in the middle, the average wage: \$18, \$20, \$22 an hour for skilled labor. That is not too much to ask. But evidently it is.

Even if people can get these jobs back, under the policies of this administration, they will be told: You can work, so be happy and smile that we are going to pay you \$9 an hour, on which you cannot even feed your family, invest in your pension, or send your children to school. You should smile and be happy you have a job.

People in Louisiana want more respect than that. They deserve more respect than that. The people along the gulf coast are, as I have said many times, honest, hardworking, and self-reliant. We do not come here asking for charity, but we do come here asking for help out of our National Treasury to which we have contributed so much over 300 years of hard work and toil to build the Nation's only energy coast. We are proud to do it, proud to take the risks associated with that hard work—building a port system, the greatest in the North American Continent, and building commerce that allows every State and every parish and every county in America to flourish. Without this port system, without this energy coast, our Nation would not be what it is today.



Despite all the ridicule we received, despite all of the snide remarks we have heard about public corruption and that we can't do anything for ourselves and we are disorganized, we are going to still hold our heads up, proud, tell our story, and demand to be treated with respect and dignity as every American would want to be treated—Black and White, Asian and Hispanic, young and old, rich and poor.

In conclusion, I thank Senator DORGAN for his focus on this. I will continue to come to the floor and to be at hearings with him, to help him, to hopefully build the kind of system and oversight that will allow us to give out contracts more efficiently, to make sure the work is going to gulf coast contractors, reputable contractors. There are many good contractors who treat their workers beautifully. There are many businesses, despite the fact they have no money coming in the door, that have kept their workers on the payroll, trying to hold heart and soul together and hold our community together while the Federal Government twiddles its thumbs and comes up with excuses about why it cannot help.

Let me be quick to compliment the many good contractors and many good businesses, small and large. But when we see this kind of irresponsible contracting, it makes a tough situation even so much worse. So I hope this letter will be responded to, that actions can be taken by other committees that have oversight so we can make sure we are spending the American taxpayer dollar well, that we are giving the preference, as required in the current law, to those affected by the storms and the unfortunate disaster itself, and then paying people a decent wage when we ask them to do work for their community and for our country.

I yield the floor.

Mr. GREGG. Mr. President, as chairman of the Budget Committee, I regularly comment on appropriations bills that are brought to this Senate for consideration and present the financial comparisons and budgetary data.

The pending Labor, HHS, Education Appropriations bill provides \$141.7 billion in discretionary budget authority and \$141.4 billion in discretionary outlays for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 2006.

Also included in the bill is \$405.3 billion in mandatory budget authority and \$405.2 billion in mandatory outlays for FY 2006. With outlays from prior years, amounts declared as an emergency—\$300 million for LIHEAP and \$19 million for Refugee Assistance—and other completed actions, the Senate bill totals \$547.3 billion in budget authority and \$546.6 billion in outlays for FY 2006.

These amounts would technically represent a decrease of 0.8 percent in discretionary budget authority and a decrease of 0.2 percent in discretionary outlays from the 2005 enacted levels.

However, when taking into account the SSI pay date shift into FY 2007 and emergency appropriations, the bill provides \$2.5 billion or a 1.7 percent increase in discretionary funding over the FY 2005 enacted level.

As originally reported, the level of budget authority was precisely at the subcommittee's 302(b) allocation while the outlays amount was \$1.1 billion below the subcommittee's 302(b) allocation. However, because the bill assumes erectile dysfunction drug savings—\$105 million—that were recently enacted into law by HR 3971 for Katrina related unemployment insurance costs—and the QI and TMA extensions—this bill is now \$15 million over the subcommittee's 302(b) allocation and is subject to a 302(f) point of order.

The committee-reported bill also delays \$3.36 billion in SSI payments to elderly and disabled individuals—an amount equivalent to one month's worth of FY 2006 SSI obligations—from fiscal year 2006 into fiscal year 2007. The original purpose of this shift was to allow for \$3.4 billion in additional non-defense discretionary spending in FY 2006 that otherwise would put the bill over its 302(b) allocation, thereby exceeding the discretionary spending limit agreed to with the House in this year's budget resolution.

Not only could this action result in a hardship for the elderly and disabled on fixed incomes by delaying their ability to make their monthly rent payments, this accounting gimmick constitutes an advance appropriation that is unauthorized as well as exceeds the total level of allowed advance appropriations for fiscal year 2007 as set out under section 401(b) of the fiscal year 2006 budget resolution. As a result, a point of order lies against this bill for making an unauthorized advanced appropriation; if raised, the point of order may be waived only by an affirmative vote of 60 Members of the Senate.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 3010, 2006 LABOR, HHS AND EDUCATION APPROPRIATIONS BILL—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, \$ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority .....	141,668	405,311	546,979
Outlays .....	141,365	405,171	546,536
Senate 302(b) allocation:			
Budget authority .....	141,653	405,311	546,964
Outlays .....	142,472	405,171	547,643
2005 Enacted:			
Budget authority .....	142,843	354,444	497,287
Outlays .....	141,596	354,189	495,785
President's request:			
Budget authority .....	141,450	402,591	544,041
Outlays .....	143,015	404,083	547,098
House-passed bill:			
Budget authority .....	142,513	402,591	545,104
Outlays .....	143,708	404,083	547,791
Senate-Reported Bill Compared to:			
Senate 302(b) allocation:			
Budget authority ....	15	0	15

H.R. 3010, 2006 LABOR, HHS AND EDUCATION APPROPRIATIONS BILL—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal Year 2006, \$ millions]

	General Purpose	Mandatory	Total
2005 Enacted:			
Outlays .....	-1,107	0	-1,107
Budget authority ....	-1,175	50,867	49,692
Outlays .....	-231	50,982	50,751
President's request:			
Budget authority ....	218	2,720	2,938
Outlays .....	-1,650	1,088	-562
House-passed bill:			
Budget authority ....	-845	2,720	1,875
Outlays .....	-2,343	1,088	-1,255

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, today we are considering the appropriations bill reported by the Senate Appropriations Committee to fund the Department of Labor, Department of Health and Human Services, the Department of Education, and related agencies for the next fiscal year, 2006. I am especially grateful to the chairman of the subcommittee, the distinguished Senator from Pennsylvania, Mr. SPECTER, who has guided this legislation through a process of hearings to examine the administration's request, the bill passed by the other body funding these Departments, and requests of Members of the Senate for programs to be funded in this legislation. He and the ranking member of the committee, Senator HARKIN, have worked very hard and diligently to bring the Senate a bill that is both responsible but sensitive to the needs of the people who are served by the programs funded in this bill.

An example of the important appropriations provisions is those relating to low-income heating assistance. Over \$2 billion of funding is provided in this bill to help those who are going to have difficulties meeting the payments for their heating bills during this winter.

There is an account in the Department of Education to provide assistance to low-income people who are seeking to improve themselves through higher education. Over \$14 billion is included in this legislation for education for the disadvantaged account.

There is also money in here for medical research at the Department of Health and Human Services and also for the activities at the National Institutes of Health.

Included in the bill is \$29.41 billion for NIH. This is above the level requested by the President, but in my judgment and in the judgment of the other members of this committee, it is needed. It is an important investment to help find new ways of dealing with diseases, to prevent illnesses, to do those things that will make America a healthier and, from an economic standpoint, more effective country.

There are many other provisions in this bill we could mention, but the Senators have already heard the bill described by the distinguished chairman of the subcommittee. There will

be opportunity for discussion of individual amendments, if there are any, and I am sure there will be some for the Senate's consideration. But this is the final appropriations bill that will be considered in the regular appropriations process by the Senate this year. It is important that we notice the House has passed all of its appropriations bills and they did so early in the year. A lot of credit ought to be given to the distinguished gentleman from California, Mr. LEWIS, who is chairman of the House Appropriations Committee, in getting that work done and getting it done early in the year so the bills could come over to the Senate and give us an opportunity to review them and carefully consider the legislation.

I also want to point out that our committee works on a bipartisan basis. That is possible because of the cooperation of the distinguished ranking member of the committee, the Senator from West Virginia, Mr. BYRD. He is a former chairman of this committee, with a tremendous amount of knowledge of the legislation, and he has contributed in helping ensure the cooperation of all members of the committee, Democrats working with the Republicans, to report these bills to the Senate. It is a bipartisan effort and I think that is important for us as we complete our consideration of these bills this year.

We have had three bills passed with conference reports approved and they have been signed by the President. There are seven bills that have been passed by the Senate that are in conference with the House. The importance of this effort is to ensure that we can pass these bills on an individual basis and not have to resort to adding them all together, putting them all in one legislative vehicle as an omnibus appropriations bill, as we have seen happen in the past.

One other point that needs to be made is that, were it not for the cooperation of the leadership, we would not have been able to have the bills considered on an individual basis. That has been very important to the success of this enterprise and this effort. So the distinguished majority leader, in cooperation with the minority leader, has ensured that the Appropriations Committee has had time in the Senate to consider these bills on an individual basis, and that has been very important. It is our hope we will be able to complete action on all the bills and get them to the President so there will not be any delay in the planned adjournment of the Senate at Thanksgiving, as has been announced by the distinguished leader. We are hopeful we will be able to have time to reach agreement in conference with our House colleagues and get all of these remaining bills to the President for his signature before we adjourn at Thanksgiving.

Thank you all for the efforts you have made to cooperate with our committee to consider these bills in an orderly process. I think it is going to re-

sult in a better product, a more thoughtful approach to the appropriations process, and the people of this country will benefit from this record of achievement by the members of the committees and all of the Members of both bodies.

There are 72 Senators who are not members of the Appropriations Committee. Any one of them has the power to offer any amendment on any bill at any time during the consideration of these individual bills. If we had to group them all as an omnibus bill, it would take away from the opportunity each Senator has to participate in this process. So I thank all 72 Senators who have taken an active role in helping assure the success of this operation this year.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF HARRY SANDLIN MATTICE, JR.

Mr. FRIST. Mr. President, in a few moments we will begin two rollcall votes. The second of those votes will be on the nomination of Harry S. "Sandy" Mattice, Jr.

I hesitated a little bit because it is Harry S. Mattice, but nobody calls him that. It is Sandy to those of us who are his good friends and admirers.

The nomination is to serve on the United States District Court for the Eastern District of Tennessee.

I have known Sandy for many years and am proud to give him my absolute highest recommendation to serve on the Federal bench.

He is a native of Chattanooga, TN. He has nearly 17 years of experience as a practicing attorney, focusing primarily on business investigations, including securities and tax and white-collar crimes.

He currently serves as U.S. Attorney for the Eastern District of Tennessee, and in that role he manages Federal prosecutions for Tennessee's largest judicial district which encompasses 41 counties and 2.5 million Tennesseans.

Sandy will be an outstanding Federal judge. He is smart, he has a rock-solid work ethic, he respects his colleagues, and in turn has earned their respect and widespread admiration.

Throughout his entire career, Sandy has proved his merit as a skilled attorney and a talented prosecutor.

The American Bar Association gave him its highest possible rating, "unanimously well-qualified," to serve as a Federal judge.

In addition to his many professional qualifications, Sandy is an honest person of the highest integrity. He is devoted to his family and is active in his local community.

I have absolutely no doubt that Sandy will serve with honor on the Federal bench.

As we prepare to vote, I urge my colleagues to support the nomination of this truly outstanding and distinguished Tennessean.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I join the majority leader. The President has made a wise decision.

I respectfully say, in choosing Sandy Mattice, by scholarship, by experience, by integrity, by background he should be an excellent judge.

I should say, also, that he follows an excellent judge, Al Edgar. We are contemporaries. We grew up at the same time, same age, in towns close to one another.

Sandy Mattice has big shoes to fill, but he will fill them well; he is well-qualified. I salute the President for his outstanding appointment and I join the majority leader in expressing my pride in the nomination and look forward to his confirmation.

#### EXECUTIVE SESSION

#### NOMINATION OF BRIAN EDWARD SANDOVAL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 385, which the clerk will report.

The legislative clerk read the nomination of Brian Edward Sandoval, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. There will now be a period of 2 minutes of debate equally divided prior to the vote.

Mr. REID. Mr. President, we are voting on a lifetime appointment of Brian Sandoval to be a U.S. District Judge for the District of Nevada.

Brian Sandoval is presently the attorney general of the State of Nevada. This is an elected position. I have known Brian Sandoval for many years. He served previously in the Nevada State Legislature as an assemblyman. He served as Chairman of the Nevada Gaming Commission. Brian Sandoval was recommended by this Senator to be a Federal judge. At the time I made that recommendation, I knew he was a Republican. When the Democrats had control of the Senate and we had a Democratic President, I asked Brian Sandoval at that time if he would be agreeable to my sending his name to the President. He said he was not ready at that time.

My friend, the junior Senator from the State of Nevada, when he learned there was going to be a Republican President, said that he would allow me to recommend every fourth district court judge. This is something he did not have to do. He did it to be nice, and I appreciate that. That is how I came